

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JABARI BAKER,

Plaintiff,

- against -

NYPD OFFICER PEDRO JIMINIAN, NYPD
OFFICER TENZIN GYALTSEN, and NYPD
SERGEANT HUI CHI,

Defendants.
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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

USDC SDNY
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ORDER

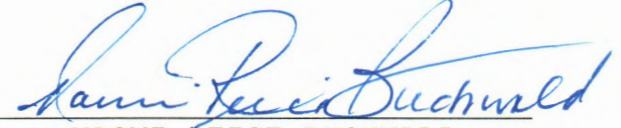
18 Civ. 5003 (NRB)

This Order resolves the dispute raised in the parties' sealed letters dated November 1 and November 6, 2019. The Court concludes that the prior disciplinary proceeding is not relevant to any issue in this litigation. Moreover, even if the prior disciplinary proceeding directly involved the underlying domestic incident, it would still be inadmissible. Admission of extrinsic acts as evidence of a pattern or practice under Federal Rule of Evidence 404(b) is permitted only if those acts share "unusual characteristics" with the acts alleged or represent a "unique scheme." Berkovich v. Hicks, 922 F.2d 1018, 1022 (2d Cir. 1991). However, the prior alleged conduct does not share the requisite "unusual characteristics" with the acts alleged in this case or

otherwise reflect a "unique scheme" of behavior. Id. Plaintiff's motion is accordingly denied.

SO ORDERED.

Dated: New York, New York
November 13, 2019



NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE